



CERTIFICATE OF MAILING

I hereby certify that this paper and every paper referred to therein as being enclosed is being deposited with the U.S. Postal Service as first class mail, postage prepaid, in an envelope addressed to: Commissioner for Patents, Alexandria, VA 22313-1450, on _____ (Date of Deposit)

(Signature of person mailing)

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 10/691,374
Applicant : Claire M. McCallum
Filed : October 22, 2003
TC/A.U. : 1638
Examiner : Maria Teresa D. Samson
Confirmation : 2394
Case No. : 02,276-A
Customer No.: 20306

See copy

**PETITION TO CLAIM BENEFIT UNDER 35 U.S.C 119(e)
OF PRIOR FILED PROVISIONAL APPLICATION (37 C.F.R. 1.78(a)(6))**

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

1. Applicant hereby petitions, in accordance with 37 C.F.R. § 1.78(a)(6), to claim the benefit, for this application under 35 U.S.C. 119(e) of prior provisional application(s) Serial Number 60/420,228 filed October 22, 2002.
2. Although this priority information was included on Applicant's Utility Patent Application Transmittal, Applicant erroneously used the transmittal form for a continuing application and failed to mark the box requesting that the specification be amended to include this priority information. Applicant states that the entire delay between the date the claim for the benefit of the earlier application was due under paragraph (a)(5)(i) of 37 C.F.R. § 1.78 and the date this claim is filed was unintentional.

MCDONNELL BOEHLEN,
HULBERT & BERGHOFF LLP
300 SOUTH WACKER DRIVE
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TELEPHONE (312) 913-0001

. 1 .

(Petition To claim Benefit Under 35 U.S.C. 119(e) of Prior filed Provisional Application(s) 5-1.6)

10/13/2005 RHEBRIGHT 00000053 132490 10691374 1300.00 OP
01 FC:1454 70.00 DA
Adjustment date: 12/16/2005 AKELLEY 10691374
10/13/2005 RHEBRIGHT 00000053 132490 -1300.00 OP
01 FC:1454 70.00 CR



PAC/IFW
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TRANSMITTAL LETTER

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In regard to the above identified application:

1. We are transmitting herewith the attached:
 - a. Petition to Claim Benefit of Prior filed Provisional Application;
 - b. Petition for Extension of Time; and
 - c. Return Receipt Postcard.
2. With respect to additional fees:

☒ \$510.00 = Three Month Extension of Time (small entity); and
☒ \$1,300.00 = Petition to Claim Benefit Under U.S.C. 119(e).
3. Please charge any additional fees or credit overpayment to Deposit Account No.13-2490.
A duplicate copy of this sheet is enclosed.
4. CERTIFICATE OF MAILING UNDER 37 CFR § 1.8: The undersigned hereby certifies that this Transmittal Letter and the papers, as described in paragraph 1 hereinabove, are being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, PO Box 1450 Alexandria, VA 22313-1450 on this 7th day of October, 2005.

By:

Alison J. Baldwin
Reg. No. 48,968

UNITED STATES PATENT & TRADEMARK OFFICE
Washington, D.C. 20231

REQUEST FOR PATENT FEE REFUND											
1 Date of Request: <u>12/14/05</u>		2 Serial/Patent # <u>10/691,374</u>									
3 Please refund the following fee(s):		4 PAPER NUMBER	5 DATE FILED	6 AMOUNT							
	Filing			\$							
	Amendment			\$							
	Extension of Time			\$							
	Notice of Appeal/Appeal			\$							
✓	Petition		10/11/05	\$ 1370							
	Issue			\$							
	Cert of Correction/Terminal Disc.			\$							
	Maintenance			\$							
	Assignment			\$							
	Other			\$							
7 TOTAL AMOUNT OF REFUND			\$ 1370								
8 TO BE REFUNDED BY:											
10 REASON:		Treasury Check									
	Overpayment	Credit Deposit A/C #:									
	Duplicate Payment	9 <table border="1" style="display: inline-table; text-align: center; width: 150px;"><tr><td>1</td><td>3</td><td>--</td><td>2</td><td>4</td><td>9</td><td>0</td></tr></table>			1	3	--	2	4	9	0
1	3	--	2	4	9	0					
✓	No Fee Due (Explanation):										
<div style="text-align: center; font-style: italic;"> pet. under 37 CFR 1.78 is dismissed as moot. </div>											
11 REFUND REQUESTED BY:											
TYPED/PRINTED NAME: <u>WAN LAYMAN</u>		TITLE: <u>pet. exam</u>									
SIGNATURE: <u>Wan Layman</u>		PHONE: _____									
OFFICE: _____											
***** THIS SPACE RESERVED FOR FINANCE USE ONLY: *****											
APPROVED: <u>[Signature]</u>		DATE: <u>12/16/05</u>									

Instructions for completion of this form appear on the back. After completion, attach white and yellow copies to the official file and mail or hand-carry to:

**Office of Finance
Refund Branch
Crystal Park One, Room 802B**